

Memorandum

To: Regional Solid Waste Board
From: Thomas Cross, Metro Legal Advisor
Date: April 15, 2004
Re: Resolution 2004-234

Pursuant to Resolution 2004-234, the Metropolitan Council called upon the Solid Waste Region Board to rescind the actions taken at the Board's May 13, 2003 meeting. The Resolution expresses the Council's opinion that the public notice announcing the May 13, 2003 Solid Waste Region Board meeting, published two days prior to the meeting, did not comply with Tenn. Code Ann. §8-44-103. That statute states that government bodies must give the public adequate advance notice of their meetings and makes void any action taken at a meeting for which adequate notice was not given.

Accordingly, in acting on the agenda for the current meeting, this Board must determine whether the public received adequate notice of its May 13, 2003. In reaching a decision, the Board must carefully consider the substance of Resolution 2004-234, reflecting the Council's strong view that, as a matter of public policy, the notice was inadequate. In the event that the Board also concludes that the notice was inadequate, all actions taken at the May 13, 2003 meeting should be considered void and each item from that agenda taken up by the Board as an original matter.